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1947.

File No. C. Lunacy 147

Legal DEPARTMENT

BRANCH

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Subject. Opinions under the Indian Lunacy Act, 1912

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File No. C. Lunacy 147

Std. Sectt. Slip 24 B &

469 - A

Maintenance charges of lunatic Mr. Figueria

Indian lunacy Act, 1912.

The proviso to section 88(1) of the Indian Lunacy Act, 1912, provides that no order for the recovery of the cost of maintenance of such lunatic from a local authority shall be made if he has an estate applicable to his maintenance or if there is any person legally bound, and having the means, to maintain him. It is reported that Mrs. Figueira has no means to pay the maintenance charges of her husband, an inmate in the lunatic asylum. Admittedly there is an amount of Rs.6,127-2-0 received from Bombay Steam Navigation Co. in respect of the Provident Fund of the lunatic. That amount can be made available for the maintenance of the lunatic. Consequently it cannot be said that the lunatic has no estate applicable to his maintenance within the meaning of the proviso to section 88 and therefore no claim against the Bombay Municipal Corporation would be tenable.

Sd/-
S.I.
Remembrancer of Legal Affairs.

U.R. to H. & L.G.D., No.10764 dated 10th Nov. 1947.

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